

Remarks/Arguments

This Amendment and response is submitted in a timely fashion within the three month Shortened Statutory Period set for response to the Examiner's Official Action mailed May 1, 2002. No extensions of time are required.

The Examiner objected to Claim 16 "because of the following informalities: on line 7, a comma should be inserted between "sized" and "shaped"; on line 8, a comma should be inserted between "tips" and "reducing"."

Claim 16 has been amended as suggested by the Examiner.

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 17 and 18 have been cancelled.

In the Action, the Examiner rejected claims 1 and 14-31 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner included an exemplary listing.

"In claim 1, lines 28-40 it is not clear whether or not applicant is attempting to incorporate method steps ('a rider rotates said vertical steering shaft...') into a claim which is otherwise directed to an apparatus. Applicant is reminded that claims should be directed to one statutory type of invention only. In claim 1, line 40, the use of quotation marks is unclear: if applicant desires to use a definition repugnant with the term "walking" (hence the need for quotation marks) then a different term should be employed..." Applicant has amended claim 1 and created a new claim 32 to address this issue.

“... In claim 15, lines 6-9 it is unclear whether or not the safety bumper causes a rearward tipping of the vehicle (“said safety bumper means being capable of functioning as a braking device by deliberately tipping...”), further it is again unclear whether or not applicant is attempting to incorporate method limitations into an apparatus claim ...” Applicant has amended claim 15 to address this issue.

“... A similar condition exists in claim 24, line 3, ‘a rider foot force being applied...’...” Applicant has amended claim 24 to address this issue.

“... In claim 25, it is not clear whether the steering shaft is capable itself of causing a change in its own length (“...possesses a vertical telescoping extension capability *that changes the distance...*” [emphasis added]) ...”; Applicant has amended claim 25 to address this issue.

“... In claim 29, line 7, and claim 30, line 4, the use of the term “type” renders the desired protection indefinite in that a particular way the binding is to be likened to a snow-board binding has not been set forth ...” Applicant has amended claims 29 and 30 to address this issue.

“... In claim 31, line 5, the use of the term “typical” renders the desired protection indefinite in that the characteristics of the recited ski pole have not been set forth.” Applicant has amended claim 31 to address this issue.

Applicant has amended claims 21 and 26 and cancelled claim 22 to remove indefiniteness under 35 U.S.C. § 112, second paragraph.

In view of the amendments made to the claims, applicants now believe the reasons put forth by the Examiner in support of the rejection of claims under 35 USC 112, second paragraph, are no longer meritorious, and therefore now respectfully solicit withdrawal of this rejection.

Attached hereto is a marked-up version of the changes made to the title by the current amendment. The attached page is captioned “Version with markings to show changes made.”

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date: June 20, 2002

Respectfully submitted,

A handwritten signature in black ink that reads "Brett Halperin". The signature is written in a cursive style with a large, stylized "H".

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1 has been amended as follows:

1. A rider-propelled wheeled vehicle comprising:
 - a frame, said frame having a vertical centerline plane running lengthwise, a first end, a second end, a midsection, a first side, a second side, an upper surface and a lower surface;
 - a support wheel assembly being provided, said support wheel assembly having a wheel mounted onto a means for attaching said wheel onto said frame, said support wheel assembly being attached to said second end of said frame;
 - a vertical steering shaft being provided, said vertical steering shaft having a first end, a second end and a vertical centerline axis, said vertical steering shaft being rotatably connected through said first end of said frame, said first end of said vertical steering shaft being located above said frame, said second end of said vertical steering shaft being located below said frame, said rotatable connection permits a 360 degree swivel of said vertical steering shaft, said vertical steering shaft being vertically disposed, said centerline axis of said vertical steering shaft lies within said centerline plane of said frame, a rider operable steering means being attached to said second end of said vertical steering shaft, hand applied force to said rider operable steering means results in rotation of said vertical steering shaft, said vertical steering shaft being long enough to facilitate a standing rider; and
 - a two-wheel propulsion means being provided, said two-wheel propulsion means having a frame, said frame having a first end, a second end and a third end, said frame having means for attaching said first end to said second end of said vertical steering shaft, a first propulsion wheel being attached to said second end, a second propulsion wheel being attached to said third end, said first and said second propulsion wheels rotate in only one direction, both said propulsion wheels rotate in the same direction.[:]

[a rider rotates said vertical steering shaft to turn said two-wheel propulsion means, the rotation results in a rotational force being applied in the non-rotating direction of said first propulsion wheel, said first propulsion wheel pivots at the point of contact with the ground thus facilitating transmission of the rotational force to the second propulsion wheel, the rotational force being transmitted into said second propulsion wheel rolls it in its rotationally enabled direction resulting in movement of the vehicle, said second propulsion wheel rolls until the rider reverses the rotation of said vertical steering shaft, a reversing of the direction of rotation of the vertical steering shaft reverses the direction of the force applied to said first and said second propulsion wheels reversing the pivot wheel and rolling wheel, the back and forth manipulation of said vertical steering shaft results in a "walking" propulsion of the vehicle.]

Claim 15 has been amended as follows:

15. A rider-propelled wheeled vehicle according to claim 1 wherein a safety bumper means being provided, said safety bumper means being attached to said lower surface of said second end of said frame aft of said support wheel assembly, said safety bumper means being bisected by said centerline plane, said safety bumper means being sized and shaped to prevent excessive backward tipping of the vehicle on said wheel of said support wheel assembly, said safety bumper means being sized and shaped to function [capable of functioning] as a braking device when it makes [by deliberately tipping the vehicle backwards to bring said safety bumper means into] frictional contact with the ground.

Claim 16 has been amended as follows:

16. A rider-propelled wheeled vehicle according to claim 1 wherein a safety wheel assembly being provided, said safety wheel assembly having a frame and wheel, said safety wheel assembly being rotationally attached to said third end of said two-wheel propulsion

means so that it can rotate about a vertical axis relative to said third end, said wheel being rotationally attached to said frame of said safety wheel so as to permit horizontal rolling of said wheel, said safety wheel assembly being sized, shaped and disposed so that it only comes into contact with the ground when said two-wheel propulsion means excessively tips, reducing the distance between said third end of said two-wheel propulsion means and the ground.

Claim 17 has been cancelled.

Claim 18 has been cancelled.

Claim 19 has been amended as follows:

19. A rider-propelled wheeled vehicle according to claim 1, further comprising a removable forward vertical steering shaft support, said removable forward vertical steering shaft support []having a first end and a second end, said first end being detachably connected to said upper surface of said first end of said frame, said second end being detachably attached to said vertical steering shaft, the [said detachably attached] connection to said vertical steering shaft facilitates [allows] free rotation of said vertical steering shaft [to rotate freely] about said vertical centerline axis.

Claim 21 has been amended as follows:

21. A rider-propelled wheeled vehicle according to claim 1, wherein said second end of said frame being sized and shaped to accommodate[s] a standing or a sitting rider.

Claim 22 has been cancelled.

Claim 24 has been amended as follows:

24. A rider-propelled wheeled vehicle according to claim 1, further comprising a pair of removable cantilevered foot pedals being connected on opposite sides of said vertical steering shaft, said removable cantilevered foot pedals being sized and

shaped to facilitate steering and propulsion of [a rider foot force being applied to each said removable cantilevered foot pedal to impart the back and forth rotation about said vertical centerline axis of said vertical steering shaft required to steer and propel] said vehicle [forward].

Claim 25 has been amended as follows:

25. A rider-propelled wheeled vehicle according to claim 1, wherein said vertical steering shaft being sized and shaped to permit facilitate vertical telescopic extension to change [possesses a vertical telescoping extension capability that changes] the distance between said first end and said second end of said vertical steering shaft.

Claim 26 has been amended as follows:

26. A rider-propelled wheeled vehicle according to claim 25, wherein said vertical steering shaft being composed of an outside shaft with a first end, a second end, an outer surface, and a hollow interior and a plurality of concentrically ensleeved inside shafts sized and shaped to facilitate [each capable of] being ensleeved by its corresponding said outside shaft to make said vertical steering shaft telescopic, a locking means being affixed to said second end of each said outside shaft provides a locking means against each corresponding ensleeved said inside shaft, said locking means facilitates the locking of each said inside shaft [being capable of being locked] into a user determined telescopic extension length.

Claim 29 has been amended as follows:

29. A rider-propelled wheeled vehicle according to claim 1, further comprising a foot steering means, said vertical steering shaft having [possessing] a separation joint located above said rotatable connection through said first end of said frame, when said separation joint being disconnected, the portion of said vertical steering shaft above said separation joint being removed, said foot steering means being attached to the remaining portion of said vertical steering shaft, said foot steering means being attached to the rider's footwear through the use of [snowboard type] bindings[, steering changes being imparted by a standing rider's foot through

slight back and forth rotation about said vertical centerline axis of said vertical steering shaft].

Claim 30 has been amended as follows:

30. A rider-propelled wheeled vehicle according to claim 29 further comprising an aft foot holder, said aft foot holder being attached to said upper surface of said frame near said second end, said aft foot holder attaches to the rider's footwear through the use of [snowboard type] bindings[, vehicle propulsion being generated by the rider pushing herself along with rubber tipped ski poles].

Claim 31 has been amended as follows:

31. A rider-propelled wheeled vehicle according to claim 30 wherein the pair of said fixed wheel supports being removed from said frame, said tricycle propulsion means being replaced by a steering ski attached to said first end of said vertical steering shaft, said safety bumper means being removed from said frame[, transforming said vehicle into a steerable snowboard capable of use on snow, typical ski poles being used for added rider control].

Claim 32 has been added as follows:

32. A method of riding the rider-propelled wheeled vehicle comprising:
boarding said rider-propelled wheeled vehicle;
rotating said vertical steering shaft to turn said two-wheel propulsion means, thus
inducing a rotational force in the non-rotating direction of said first propulsion
wheel causing said first propulsion wheel to pivot at the point of contact with the
ground and permitting a rotational force to be transmitted to said second
propulsion wheel, the rotational force being transmitted into said second
propulsion wheel rolls it in its rotationally enabled direction resulting in
movement of the vehicle, said second propulsion wheel rolls until the rider
reverses the rotation of said vertical steering shaft;

reversing the direction of rotation of said vertical steering shaft, this reverses the direction of the force applied to said first and said second propulsion wheels resulting in an exchange of the pivot wheel and rolling wheel; and walking propulsion of said rider-propelled wheeled vehicle through the repetition of the rotating and reversing steps.